

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ISABEL ROBLES NAVA, individually and on behalf of
others similarly situated,

Plaintiff,

-against-

OPAI THAI INC. d/b/a OPAI THAI, OPAI INC. d/b/a OPAI
THAI, YAN BING CHEN, TINA DOE, and NOE
CARRETERO,

Defendants.

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1:20-cv-03848-MKV

ORDER TO SHOW CAUSE
AND
SCHEDULING ORDER

MARY KAY VYSKOCIL, United States District Judge:

Plaintiff commenced this action on May 18, 2020, by filing the Complaint [ECF No. 1]. Copies of the summons and Complaint were served on Defendants Opa Thai Inc. and Opa Inc. on May 21, 2020, with proof of service filed on August 6, 2020 [ECF Nos. 14–15] and Defendants Yan Bing Chen, Tina Doe, and Noe Carretero on August 7, 2020, with proof of service filed on August 28, 2020 [ECF Nos. 17–19]. Defendants have failed to answer the Complaint, and the time for answering the Complaint has expired. Thus, on September 2, 2020, the Clerk of Court issued Certificates of Default as to all Defendants [ECF Nos. 26–30]. Plaintiff filed a Motion for Default Judgment as to all Defendants on October 8, 2020 [ECF No. 35]. In support of the Motion, Plaintiff filed a Declaration of Michael Faillace [ECF No. 36], with several exhibits including, *inter alia*, a Declaration of Plaintiff Isael Nava Robles [ECF No. 36-12], a damages chart [ECF No. 36-13], a documentation of attorneys' fees and costs [ECF No. 36-14], and a Proposed Judgment [ECF No. 36-15].

The Court has reviewed these submissions. The documentation supporting Plaintiff's demand for damages is insufficient and may reflect an overcalculation of damages. Specifically,

Plaintiff has failed to specify under which statute damages are sought. In addition, the spreadsheets Plaintiff submitted (Exhibit M) are not clear.

Accordingly, IT IS HEREBY ORDERED that on or before **October 30, 2020**, Plaintiff shall file a further particularization of damages sought and evidentiary support for those damages.

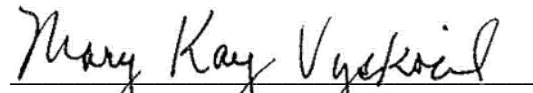
IT IS FURTHER ORDERED that on or before **October 30, 2020**, Plaintiff shall serve on Defendants (1) this Order, (2) the Motion for Default Judgment [ECF No. 35], (3) the Declaration of Michael Faillace [ECF No. 36] with all supporting Exhibits [ECF Nos. 36-1–36-15], and (4) the soon-to-be-filed further particularization of damages with evidentiary support, and that Plaintiff shall file proof of such service on or before **November 6, 2020**.

IT IS FURTHER ORDERED that Plaintiff and Defendants shall appear at a Default Judgment Hearing on **December 15, 2020**, at 2:00 PM. The Hearing will be held telephonically. To join the Hearing, dial 888-278-0296 and, when prompted, enter access code 5195844.

IT IS FURTHER ORDERED that on or before **December 1, 2020**, Defendants shall file (1) a letter explaining why Default Judgment should not be entered in the amount stated in Plaintiff's revised particularization of damages, and (2) any opposition in response to Plaintiff's Motion for Default Judgment.

SO ORDERED.

Date: October 15, 2020
New York, NY


MARY KAY VYSKOCIL
United States District Judge